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Attorneys for Plaintiff
DAVID KAYNE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID KAYNE, an individual citizen of
Georgia,

Plaintiff,

v.

THE THOMAS KINKADE COMPANY,
formerly known as MEDIA ARTS
GROUP, INC., a Delaware Corporation,,

Defendant.

CASE NO. C 07-4721 (SI)

**STIPULATED REQUEST FOR
CONTINUANCE OF CASE MANAGEMENT
CONFERENCE DATE**

STIPULATION

(No. 07-4721 (SI))

McDERMOTT WILL & EMERY LLP
ATTORNEYS AT LAW
LOS ANGELES

STIPULATED REQUEST FOR CONTINUANCE

Plaintiff David Kayne ("Kayne") and Defendant The Thomas Kinkade Company ("TKC") hereby stipulate and submit the following joint request for continuance:

WHEREAS, Kayne commenced this case by filing a complaint (the "Complaint") on September 12, 2007;

WHEREAS, TKC filed a motion to dismiss (the "Motion to Dismiss") and a motion to strike (the "Motion to Strike") on October 4, 2007;

WHEREAS, the Motion to Dismiss and Motion to Strike were originally set by this Court for hearing on December 7, 2007;

WHEREAS, the case management conference (the "Case Management Conference") in this matter was also set for hearing on December 7, 2007;

WHEREAS, on November 27, 2007, the Court moved the hearing date for the Motion to Dismiss and Motion to Strike to December 18, 2007 due to the Court's unavailability on December 7, 2007;

WHEREAS, the Case Management Conference has not been rescheduled and is currently set for hearing on December 7, 2007;

WHEREAS, counsel for TKC is located in Los Angeles, California;

WHEREAS, counsel will be required to travel to San Francisco on two separate occasions under the schedule as currently set, resulting in substantial additional expenditure of time and money;

WHEREAS, Kayne and TKC desire to stipulate to reschedule the Case Management Conference on the terms and conditions set forth herein.

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STIPULATION

1 NOW THEREFORE, Kayne and TKC by and through their counsel jointly request that the Court
2 reschedule the Case Management Conference as follows:

3 The Case Management Conference currently scheduled for December 7, 2007 at 2:00 p.m.
4 be continued to December 18, 2007 at 2:00 p.m., or such other time on December 18, 2007 that
5 the Court deems convenient.

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7 Dated: November 27, 2007

HOLLAND & KNIGHT LLP
CHARLES L. COLEMAN, III
ANDREW T. CAULFIELD

9 By: 

Charles L. Coleman, III
Attorneys for Plaintiff
DAVID KAYNE

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11
12 Dated: November 27, 2007

McDERMOTT WILL & EMERY LLP
DANA N. LEVITT, PC
CHARLES E. WEIR
JASON D. STRABO

13
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15 By: 

Charles E. Weir
Attorneys for Defendant
THE THOMAS KINKADE COMPANY

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19 IT IS SO ORDERED.

20 The date for the Case Management Conference is continued to December 18, 2007 at _____.

21 Dated: _____

22 Hon. Susan Illston
23 United States District Court Judge